

REMARKS

Status of the Claims

Claims 1-5 and 7-18 were pending. Claims 7 and 15 have been canceled. Claims 2-3, 8, 12, 14, 16 and 18 have been amended. Claims 1-5, 8-14, and 16-18 are now pending.

The amendments to claims 8 and 16 are made to place these claims in independent form. The claim scope is unchanged. The amendments to claims 12, 14, and 18 are made to change their dependency from a canceled base claim.

Rejections Under 35 USC § 112

Claims 2-3 stand rejected under 35 USC § 112 as being incomplete for omitting essential elements of the invention. Specifically, the examiner rejected these claims for failing to contain a real-time transfer of funds after the authorization provided in claim 1. Applicants respectfully traverse this rejection. The claimed method comprises actions taken by an applicant for an account. As such, the claimed method includes authorizing a transfer of funds, but does not include the actual transfer of funds, which is an action taken by the brokerage or by the bank or credit card company having the funds. Claims 2 and 3 have been amended to indicate the particular type of transfer has simply been authorized, and has not necessarily taken place. Applicants believe that claims 2 and 3 satisfy the statutory requirements of 35 USC § 112, and accordingly, applicants respectfully request that these rejections be withdrawn.

Rejections Under 35 USC §§ 102 and 103

Claims 7-10, 12, and 14-18 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,968,317 ("Wallace"). Claims 1-5, 11 and 13 stand rejected under 35 USC § 103(a) as being unpatentable over Wallace in view of U.S. Patent 6,484,151 ("O'Shaughnessy"). Claims 7 and 15 have been canceled. Applicants respectfully traverse the remaining rejections because the cited art fails to teach or suggest each limitation of the claims.

For example, independent claim 1 recites in part "authorizing a real-time transfer of investment funds to [an] online brokerage account". The examiner cites Wallace c9l25-36; c9l57-67; and c11l3-16 as teaching this limitation. However, the cited text

actually teaches mailing a check, wiring money, or arranging an account transfer, each of which is quite different from authorizing a real-time transfer of funds as recited in the claim. See Wallace c9l30-32 ("The user then signs the account application form, and mails it to the brokerage firm with appropriate funding."); and c11l9-16 ("In an exemplary embodiment, the user must sign and return the new application form with the appropriate funding within a predetermined time, *such as 28 days* It will be appreciated that there are numerous ways in which a user may fund the account, such as by sending a personal check, wiring money from another account, or transferring assets from another account." (emphasis added)). As argued in a previous response to office action, O'Shaughnessy is similarly deficient. For at least these reasons, independent claim 1 and its dependent claims 2-5 are allowable over the cited art.

Independent claim 8 recites a real-time account opening process that includes "after securing said online agreement, obtaining funding information relating to a financial account; [and] automatically initiating a transfer of funds from said financial account into said brokerage account". The examiner cites c11l55-62 as teaching these limitations. There Wallace describes only a log-in process. Applicants cannot find here or elsewhere in Wallace any teaching or suggestion of the quoted claim limitations. For at least this reason, independent claim 8 and its dependent claims 9-14 are allowable over the cited art.

Independent claim 16 recites in part a principalling process that includes "providing a list of new brokerage accounts having [a] selected account type; [and] obtaining an individual status designation for each of the new brokerage accounts listed, wherein said designation is indicative of acceptance or non-acceptance of the new brokerage accounts". With respect to these limitations, the examiner cites c9l57-67, c11l3-16, and c11l55-62. The first and third cites describe a customer log-in process, while the second cite describes the generation of an application form. Applicants cannot find here or elsewhere in Wallace any teaching or suggestion of the quoted claim limitations. Independent claim 16 and its dependent claims 17-18 are allowable for at least this reason.

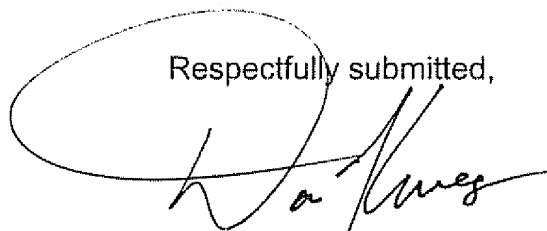
Appl. No.: 09/802,701
Amdt. dated May 26, 2006
Reply to Office Action of February 27, 2006

Conclusion

In the course of the foregoing discussions, applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769/1991-00100/HDJK.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Krueger", is written over a large, hand-drawn oval. The signature is fluid and cursive.

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